

Appl. No.: 10/053,830
Amdt. dated Feb. 12, 2007
Reply to Final Office action of Jan. 18, 2007

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Remarks/Arguments

Claims 1 and 25 stand rejected under the judicially created doctrine of double patenting over U.S. Patent No. 6,554,436, claim 10.

This rejection is respectfully traversed as improper. The rejection states that the present application serial number 10/053,830 discloses no additional invention or discovery. This fact is inherently true, as the instant application is a division of the '830 patent application.

It is pointed out in MPEP that the judicially created doctrine of double patenting was created to prevent the prolongation of the Patentee's patent rights. In the instant situation, both the claims of the '436 patent and the instant application are set to expire 20 years from the filing date of the parent application, i.e. application number 09/304,001.

Accordingly, it is believed that the above discussed rejection is improper and it is requested that it be withdrawn.

The rejection is further traversed as Improper as it cannot be reasonably said that claims 1 and 25 of the application set forth merely an obvious variation of the patented claim 10. Claim 10 calls for a supplemental mirror affixed to the mirror housing above the main mirror providing a view of at least two dead zones. The claim further calls for a clamping mechanism housing a claim receptacle and an insertable component. Claims 1 and 25 do not set forth any of this structure nor the claimed function.

Clearly, claims 1 and 25 are patentably distinct from the subject matter claimed in claim 10. Accordingly, it is urged that this rejection be withdrawn.

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Claims 1 and 25 stand rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No. 6,352,231, claim 8.

This rejection is respectfully traversed as improper. The scope of the rejected claims 1 and 25 is different to an extent that it cannot be reasonably said that claims 1 and 25 of the application set forth merely an obvious variation of the patented claim 8. As such, claims 1 and 25 clearly fall beyond the bounds of this rejection as set forth in MPEP 804 B 1.

It is believed that claims 1 and 21 are clearly patentably distinct from patent claim 8.

The rejection references the disclosure of the '231 patent stating that the disclosure sets forth mirror mounting assembly including a first part, a second part with the second part serving as a support arm. The rejection references a locking device having a locking cylinder being disclosed. The rejection indicates the use of a key well-known.

None of these points are refuted, however, they are moot insofar as a rejection under the judicially created doctrine of double patenting is concerned. It is the subject matter of the claims of the '231 patent, more particularly of claim 8, which is under consideration.

Claim 8 includes the limitation of a clamp wedge urging the clamp reception fixture and the insertable component into frictional engagement.

Neither claim 1 nor claim 25 of the application make reference to such structure. Clearly, claims 1 and 25 are patentably distinct from claim 8 of the '231 patent.

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Accordingly, it is respectfully urged that this rejection be withdrawn.

Claim 1 and 18-25 stand rejected under 35 USC 103(a) as unpatentable over Sillman (DE 3207925). This rejection is respectfully traversed as improper as the claims are not anticipated by the structure disclosed by the reference.

Sillman is directed to a mirror arrangement for vehicles comprising a main mirror housing 1 connected to a vehicle by way of connection 2. The mirror housing includes a removable wall 3 which is connected to an auxiliary mirror 7. The removable wall 3 is connected to auxiliary mirror 7 by linkage 6 or by arm 33 or by apparatus 32.

As seen in Figures 1, 5 and 7, auxiliary mirror 7 is carried by wall 3 in frame 17 by housing 1 and arm 33 is positioned to face the rear or the front of the vehicle by rotation of wall 3. The main mirror 10 faces the rear.

Wall 3 carries a lock mechanism 25, 26 which activates bolt 22 into and out of locking position with rim 24 of mirror housing 1.

The objects of the instant invention and that of the Sillman patent are totally different. In Sillman, the object is to provide means to arrange a second mirror relative to a first mirror. In the instant invention, the object is to provide a clamping mechanism which makes it possible to mount or demount the mirror assembly from the vehicle while protecting against theft.

As required by 37 CFR 1.111(b), specific claim language directed to structure not taught by the reference which is believed to clearly patentably distinguish the claims from the reference is hereinafter referred to.

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The Sillman reference discloses a mirror assembly including mirror housing 1 and mirror 7 including a support structure 2 mounting the assembly 1 and 7 to the vehicle. The mirror housing 1 includes removable wall 3. Wall 3 mounts arm 33 which carries second mirror 7. No rotatable lock structure is disclosed.

The claim calls for the first part to be connected with a vehicle and to mount the support arm and mirror. The claim calls for the second part to be disposed on the support arm and for a locking mechanism to be mounted on the first part and to rotatably engage and lock the second part to the support structure.

The reference, as described in the rejection, includes a first part 9 and a second part 19 (3). Second part 19 is mounted on first part 9 not the support arm as claimed. Support arm 33, which mounts a mirror, is mounted on second part 19 not the first part as claimed. Also, second part 19 carries the key locking mechanism, not the first part as claimed. The locking mechanism does not rotatably engage and lock as claimed.

For these reasons, claim 1 is believed to clearly define over the reference of the rejection.

Claim 18, which depends from claim 1, calls for an adjustment mechanism attached to the support arm. In Sillman, the support arm connects with plate 1993).

Claim 19 and 20, which depend from claim 1, calls for the first part to include a clamp receptacle and the second part to include an insertable component. Sillman includes no such structure.

Claims 21, 22, which depend from claim 1, call for the support structure to include a snap-in detent apparatus. No such structure is disclosed in Sillman.

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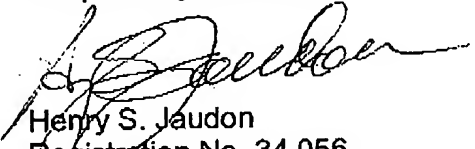
Claims 23, 24, which also depend from claim 1, call for a removable cover attachable to the support structure for covering the locking mechanism. Sillman discloses no such structure.

Claim 25, also dependent from claim 1, calls for a hatch shaped mechanism.

For the above stated reasons, claims 1 and 18-25 are believed to patentably distinguish over the rejections. Accordingly, it is respectfully requested that the rejections be withdrawn and the claims found to be allowable.

Should the Examiner believe a telephone interview could assist in furthering the prosecution, it is respectfully requested that one be initiated.

Respectfully submitted,



Henry S. Jaudon
Registration No. 34,056
McNair Law Firm, P.A.
P.O. Box 10827
Greenville, SC 29603-0827
Telephone: (864) 232-4261
Agent for the Applicant